

1 Q. Right.

2 A. That sign is part of the surround.

3 Q. Would that have come from --

4 A. Some company that makes fiberglass
5 surrounds.

6 Q. Well, did LaSalle Glass --

7 A. LaSalle Glass had nothing to do with the
8 fiberglass surround.

9 Q. Okay. Where did you obtain it from
10 then?

11 A. I -- The bank obtained it directly. I
12 assisted them with what size we need to fit the
13 physical sizing that LaSalle Glass has given me
14 from post-to-post.

15 Q. Okay. So LaSalle Bank personnel ordered
16 it directly. You didn't have --

17 A. LaSalle Glass.

18 Q. I'm sorry, Diamond Bank personnel
19 ordered the Diamond Bank sign directly without
20 using you as a conduit.

21 MR. BELONGIA: Objection to the term
22 Diamond Bank sign. Are we referring to the
23 surround or the sign or what are we talking about?

24 BY MR. RAPHAEL:

1 Q. Here. Is that Diamond Bank --

2 A. Well, there's -- there's three signs--

3 MR. LOWREY: Please.

4 THE WITNESS: -- I'm looking at.

5 Diamond Bank, Diamond Bank, Diamond Bank.

6 MR. LOWREY: Please, just answer the
7 question.

8 THE WITNESS: Okay.

9 BY MR. RAPHAEL:

10 Q. You got to wait for me to ask it because
11 you don't know what I'm going to ask. I don't
12 care about that big post sign that's near the
13 tree. You see that sign?

14 A. Yes.

15 Q. Okay. I don't care about that. I don't
16 even care about the big sign that says Diamond
17 Bank on the -- on the branch.

18 A. Okay.

19 Q. Okay? All we're talking about are the
20 signs and the surrounds of the ATM at this point.
21 Are we absolutely on the same page?

22 A. Yes.

23 Q. Okay. So did Diamond Bank order that
24 Diamond Bank sign on the ATM, the one that says

1 Diamond Bank with its logo?

2 A. It's part of the fiberglass surround.

3 Q. Okay. Did they order this fiberglass
4 surround themselves?

5 A. They ordered it. Yes.

6 Q. You got to let me finish the question
7 because I got to ask it again because we were
8 talking over each other and it will show up screwy
9 on the transcript. Diamond Bank directly ordered
10 the fiberglass surround, which includes that
11 Diamond Bank sign.

12 A. After I gave them the size that will
13 fit.

14 Q. Okay. And so they ordered --

15 A. So I gave them the -- the parameters.
16 They have to order it, wrote it down, and the bank
17 placed the order.

18 Q. That's all I'm getting at. I don't care
19 what you measured. I'm concerned with who made
20 the order, who actually got billed for the
21 surround -- the fiberglass surround.

22 A. Well, then if you want to -- if you want
23 to -- if that's the question --

24 Q. Yeah.

1 A. -- the answer is Diamond Bank.

2 Q. Okay. So they all direct contact with
3 the company that --

4 A. I had -- I had contact with the company.

5 Q. You got to -- You got to stop. You got
6 to wait until I'm finished with the question.
7 Okay? Please take just a breath before you start
8 to answer, pause, let me -- let me ask the
9 question. Diamond Bank had all direct contact
10 with the company that the fiberglass surround was
11 ordered from.

12 A. No.

13 Q. What contact did other people have?

14 A. I had contact with them of finding out
15 sizes that would fit our tight widths because of
16 our corner post.

17 Q. Okay. And what contact was it, over the
18 phone or in per -- Let me finish the question,
19 please. Was it over the phone, in person, E-mail,
20 what?

21 A. It was verbal, over the phone.

22 Q. What was the name of the company?

23 A. I stated it. I don't recall. It was a
24 company that furnishes fiberglass surrounds.

1 Q. Where did you locate them from?

2 A. From doing some networking and it may
3 have come from the people that delivered the
4 machine. I don't know how we -- I don't recall
5 how we ended up getting this company.

6 Q. Did they send you -- This company, did
7 they send you the invoice for the fiberglass
8 surround?

9 A. I don't recall.

10 Q. Well, did you pay them for the
11 fiberglass --

12 A. The bank. The bank paid them.

13 Q. You installed the fiberglass surround
14 after it had been delivered. Right?

15 A. That's true.

16 Q. So this company just drop shipped the
17 fiberglass surround?

18 A. To the bank.

19 Q. And you personally installed it?

20 A. I and Matt.

21 Q. Other than installing the fiberglass
22 surround and then powering up the light in the
23 surround and the machine, what other things were
24 done by you to make the machine ready for usage?

1 A. We -- Around the machine, around the
2 floor we made sure that there was no hazardous on
3 the ground so no one would trip because the
4 finished concrete was not finished. So we had
5 some temporary plywood down so that there was no
6 high spots, no one tripped. We also made sure
7 that before it was working Mr. Hubbard asked me to
8 scrape off a couple of old signs and move them to
9 the new surround.

10 Q. What do you mean scrape off a couple of
11 old signs, from where? What -- What are you
12 talking about?

13 A. This was -- The old -- It was a masonite
14 surround that they had around the old machine.

15 Q. You mean an old machine that was inside
16 of the bank?

17 A. Right. The existing ATM.

18 Q. Okay. So he had you scrape off some
19 signs from a masonite --

20 A. From a masonite flat surround. It was
21 just a flat surround, masonite surround. It
22 wasn't a fiberglass.

23 Q. Okay. And what were these -- what --
24 scrape them off, what, were they, stickers?

1 A. No. Stickers I wouldn't be able to get
2 off.

3 Q. Well, what were they?

4 A. It was a raised like, metallic letters
5 on a flat surface adhered -- adhered behind a flat
6 surface.

7 Q. What do you mean? These were raised
8 letters, like embossed letters on a flat surface?

9 A. I don't recall exactly what it was. It
10 looked metallic to me. It looked pretty cool. It
11 was like, you know, raised letters, but it was on
12 a flat surface that we were able to scrape from
13 the back, remove it, and we were able to adhere it
14 onto the fiberglass surround.

15 Q. Well, what was it adhering -- It was --
16 It adhered to some masonite?

17 A. Yes.

18 Q. And what was the metal? You say it was
19 a metal sign?

20 A. On a -- It was on a plaque that was wrap
21 with looked like metal --

22 Q. Mm-hmm.

23 A. -- and it was glued from the back.

24 Q. Okay. Using what kind of --

1 A. So we were able to basically -- I just
2 was able to get a scraper and I was able to remove
3 the adhesion, detach it.

4 Q. You did that yourself?

5 A. Yes.

6 Q. Alright. So what did you use, some sort
7 of a chisel to pull it off?

8 A. No, I just I used a scraper --

9 Q. What's --

10 A. Flat -- A flat scraper, stiff scraper,
11 and I just took the scraper between the masonite
12 and the back of this signage.

13 Q. When you're talking about this scraper,
14 you're talking about one of these flat edge with a
15 knife edge where it's used for drywalling?

16 A. Yes, sir.

17 Q. You shook your head and then said yes,
18 so were you thinking I was going to ask a
19 different question? It was a scraper that you
20 would use for drywalling with a flat --

21 MR. BELONGIA: Asked and answered.

22 THE WITNESS: It was a stiff scraper.

23 BY MR. RAPHAEL:

24 Q. Okay. How many signs were there?

1 A. There was one on the left and one on the
2 right.

3 Q. And what were the dimensions?

4 A. I don't recall.

5 Q. Well, were they 2 x 2 inches, 4 x 6
6 inches?

7 A. It was about like that, 5 x 4.

8 Q. 5 x 4.

9 A. I don't recall, but approximately.

10 Q. Okay. Approximately 5 inches x 4
11 inches. Right?

12 A. Something like that.

13 Q. I mean you're a contractor.

14 A. Yes.

15 Q. You're in the building business.

16 A. Yes.

17 Q. And we know how to measure. Right?

18 A. Right.

19 Q. Okay. So it could've been 4-1/2, it
20 could've been 5-1/2, but it's roughly 4 x 5
21 inches.

22 A. Approximate. Yes.

23 Q. Okay.

24 A. It's not 8 x 10.

1 Q. And it wasn't 2 x 2 either.

2 A. That's a fact.

3 Q. Okay. And when did you scrape those
4 signs off?

5 A. The afternoon when we ready to liven up
6 that new machine.

7 Q. Okay. So after the -- after the
8 fiberglass surround was installed and after the
9 lights on the fiberglass surround were powered up,
10 that's when you scraped off the sign.

11 A. Yes. Yes.

12 Q. And that would've been in March like you
13 said?

14 A. Yes.

15 Q. Okay. And what did you adhere the signs
16 to?

17 A. I needed to -- the fiberglass.

18 Q. To the fiberglass. And what did you use
19 to adhere it?

20 A. We had to -- We had some weather proof
21 adhesion, tape.

22 Q. You used tape?

23 A. Two-sided tape. Yes.

24 Q. So you used two-sided tape?

1 A. Yes. It's called -- It's stronger than
2 glue adhesive.

3 Q. How strong is it?

4 A. Extremely.

5 Q. Is it like super glue?

6 A. It's very strong. It's two-sided
7 weather resistant tape.

8 Q. And would it be more difficult to scrape
9 off than the adhesive that was used in the first
10 instance?

11 A. It would not crack. The first adhesion
12 when it got below zero, the thing would've fallen
13 off. This has expansion-contraction.

14 Q. But it's tape. Right?

15 A. It's the same stuff that glazers use.

16 Q. What's it called?

17 A. It's called two-sided tape.

18 Q. Well, there's a bunch of two-sided tape.
19 There's two sided Scotch tape, there's
20 two-sided -

21 A. It's 3M. It's 3M two-sided glazing
22 tape.

23 Q. So it's called 3M two-sided glazing
24 tape. Okay.

1 A. The best that I recall.

2 Q. Where'd you get it from?

3 A. A supplier on Ogden Avenue. I don't
4 recall their name. Smock and something.

5 Q. Smock and something?

6 A. Yeah.

7 Q. What kind of supplier are they?

8 A. For window glazing, exterior glazing
9 materials.

10 Q. Have you used them before?

11 A. Yes.

12 Q. Do you use them still?

13 A. Periodically.

14 Q. What's the address on Ogden?

15 A. It's like Ogden and Cicero.

16 Q. And the first name is Smock, S-M-O-C-K?

17 A. Yeah, something like that.

18 Q. Definitely with an S though. Right?

19 A. Definite.

20 Q. And where on Ogden and Cicero is it, on
21 which corner?

22 A. It's not on a corner. It's on the south
23 side of the street.

24 Q. The south side of which, Ogden?

1 A. Yes.

2 Q. And it's between Cicero and what?

3 A. It's -- I would -- If I recall, I think
4 it's like between Cicero and Central.

5 Q. So it's between Cicero and Central on
6 Ogden Avenue.

7 A. Correct.

8 Q. And they have this 3M two-sided glazing
9 tape?

10 A. I'm not sure if it's actually 3M, but 3M
11 makes a lot of it.

12 Q. But it's the glazing tape that's used
13 for windows.

14 A. Yes. Mirrors.

15 Q. Mirrors.

16 A. Stainless steel. And that's why I used
17 it because it's -- it was made for stainless
18 steel.

19 Q. Well, was the stainless steel up at this
20 point or was this --

21 A. It's the fiberglass.

22 Q. So you used it for adhering a metallic
23 type sign to a fiberglass surround.

24 A. Correct. And the spec said it's -- it's

1 good for fiberglass, steel --

2 Q. Where on --

3 A. And that's the same tape that we use
4 when we glue stainless steel to other substrates.

5 Q. Where on the fiberglass surround was the
6 sign adhered?

7 A. I think there were two signs. I know
8 that there were two signs.

9 Q. Okay. Where on the fiberglass surround
10 were the two signs adhered when you adhered them?

11 A. One went on the left bottom and one went
12 on the right bottom.

13 Q. Left bottom and right bottom.
14 Underneath the machines?

15 A. There's like a ledge or there was a
16 protrusion that I recall.

17 Q. So it was below the ledge or above the
18 ledge?

19 A. It was below the ledge where there was a
20 wide area.

21 Q. And how strong is this adhesive?

22 A. I just want to make it clear what
23 it's -- It's strong enough that it's made to hold
24 stainless steel.

1 Q. Alright. Would you have to pry this
2 sign off in order to --

3 A. You have to. Yeah. You have to pry it
4 to get it off.

5 Q. Well, you would have to use a tool like
6 the one you used?

7 A. If you don't want to damage the sign,
8 but if -- You know, if you're not worrying about
9 damaging, you probably could --

10 Q. You mean you could pull it off with your
11 hand?

12 A. If you're a -- I would say with your
13 hand you probably would damage your hand.

14 Q. Okay. I mean this wasn't like tape.

15 A. No. It's -- It's trade --

16 Q. It's meant to be permanent.

17 A. I try my best to get the best and latest
18 -- Why Mr. Hubbard hired me is because I try to
19 get the latest and best, you know, products out
20 for the situation, and knowing how important these
21 signs were to Mr. Hubbard, these sign -- this tape
22 would've been better than using spray because when
23 it got so cold outside the spray adhesion would
24 not have worked.

1 Q. Okay.

2 A. This tape, the specs stated it's for
3 holding to fiberglass, to wood, to stainless
4 steel. I had both. I had fiberglass and I had
5 some type of wood and metal backing, and if it --
6 if it holds stainless steel, it definitely was
7 strong enough to hold these little signs.

8 Q. Alright. This type of stuff you're
9 talking about is for a layman like me the
10 equivalent of -- You ever see that commercial with
11 the guy with Super Glue on the hard hat and he's
12 attached to the steel girder? You ever see that
13 commercial?

14 A. No, but it's not a -- It's not a liquid
15 glue.

16 Q. I understand that.

17 A. These are strips.

18 Q. Okay. But it's that kind of strength.
19 It's something --

20 A. Yes. It's --

21 Q. -- that would take --

22 A. It's made to hold stainless steel.

23 Q. Okay.

24 A. That's how they advertise it. Two-sided

1 before.

2 A. Yes. Definite.

3 Q. Okay. And so if you had to have taken
4 the sign off yourself after you had used this more
5 technologically advanced adhesive than what was
6 previously on there --

7 A. Right. I would have to work a little
8 harder to remove it, to separate it.

9 Q. You'd have to have used some sort of a
10 chisel or force?

11 A. No, I would've probably used the same
12 type of apparatus, same type of tool, but I
13 would've probably had to have worked a little
14 harder to separate it.

15 Q. Okay. How many strips of this adhesive
16 tape did you use to adhere it to the fiberglass
17 surround?

18 A. I followed the exterior perimeter.

19 Q. Oh, so, in other words you used -- you
20 covered completely every -- every square inch of
21 the back of the sign and adhered it to the --

22 A. I did a frame around the perimeter of
23 the sign and then I adhered it.

24 Q. So it was covering all of the --

1 A. The perimeter.

2 Q. -- exposed perimeter of the sign.

3 A. Yes. Yes.

4 Q. Okay. And putting up the sign, you said
5 this was very important to Mr. Hubbard?

6 A. Yeah, he wanted to make sure that before
7 I left that day that we had these signs up.

8 Q. Okay. And do you recall him making
9 special mention of these signs need to be up there
10 or something like that or what?

11 A. He said these -- these -- the signage or
12 signs need to be put on the machine.

13 Q. Okay. And when you were done putting
14 the signs on the machine, did he look at it?

15 A. He -- He came by and looked at the
16 machine, and he was playing with the buttons. He
17 may have been using the machine.

18 Q. Okay. And this was some time in March?

19 A. Yes.

20 Q. Okay. And when -- when was the last
21 time you saw those signs up on the machine?

22 A. I don't recall.

23 Q. Well, do you ever recall seeing them
24 after that point?

1 A. They were -- They were all -- When we
2 did the punch list in July, they were on there.

3 Q. You know that why?

4 A. I remember putting up the signs with the
5 tape and everything and I looked at it.

6 Q. Okay. So in July when the punch list
7 was being done you remember seeing for sure those
8 signs were up.

9 A. Yes. Yes.

10 Q. Was there any point in time after July
11 that you remember seeing that those signs were
12 actually up, and we're talking July of '06

13 A. Yeah. There's no other time that I -- I
14 had no other reason to be looking at it.

15 Q. Okay. Well did you ever see the signs
16 up there at any point in time after having this
17 picture taken of the bank?

18 A. I don't recall even -- even thinking of
19 looking for those signs.

20 Q. Okay. So you don't know then if those
21 signs were up after this picture was taken?

22 A. I do not know. All I know is that July
23 2006 they were up.

24 Q. Prior to coming here today, have you

1 seen this picture of Diamond Bank, Exhibit E or
2 the one that's Exhibit D on the website?

3 A. I don't recall seeing the actual
4 picture. I mean this may be the first time.

5 Q. Do you recall ever seeing a picture of
6 the exterior of Diamond Bank of any sort by any
7 one?

8 A. You know, now -- There may have been a
9 brochure that was laying on the -- one of the
10 tables in the upper floor. I remember walking by,
11 you know, breezing through. I remember some
12 brochure may have had this picture on the front in
13 the bank, but did I stop and really look at it,
14 no.

15 Q. Okay. Other than that picture you're
16 describing, have you ever seen another picture of
17 the Diamond Bank exterior?

18 A. Before renovation?

19 Q. No.

20 A. Yes.

21 Q. After the renovation.

22 A. No.

23 Q. And these signs that you've put up on
24 the exterior of the fiberglass surround, they were

1 raised metallic signs. They were not stickers.

2 Correct?

3 A. They were not stickers.

4 Q. But they were raised metallic signs.

5 A. They were on -- They were on like, a
6 backboard and they looked like they were metal,
7 but they were not a flat -- adhesion flat -- They
8 were on a backer board.

9 Q. Since being involved in this case, have
10 you had an opportunity to be -- to look at the ATM
11 at issue?

12 A. To look at it?

13 Q. Mm-hmm.

14 A. I mean when I -- when we did the punch
15 list and everything, I made sure everything was
16 within tolerance of a 32nd of an inch.

17 Q. No, no. Since the time you became
18 involved in this piece of litigation -- After
19 you --

20 A. Oh, this litigation?

21 Q. Yes. Since that time --

22 A. No.

23 Q. -- have you looked at the ATM at all?

24 A. No.

1 Q. You haven't even bothered to go look at
2 it since being subpoenaed or anything else?

3 A. Believe me, this -- this litigation here
4 is not on my priority of putting any brain muscle
5 into it. I did not go look at the ATM. I mean I
6 got a visual picture of it.

7 Q. Mm-hmm. What time is it?

8 MR. LOWREY: 12:20.

9 MR. RAPHAEL: Why don't we take a break
10 for lunch and let me collect my notes. You may
11 get it as short or as long as you want?

12 MR. LOWREY: I'd rather make it non --
13 Why don't you just take a few minutes. Why don't
14 you take a few minutes and look through your notes
15 so we can be done because we've all got other
16 things to do, I think.

17 THE REPORTER: This is the end of tape
18 number two. The time is 12:22 p.m., and the
19 running time of this tape is 58 minutes and 37
20 seconds. This is the start of tape number three.
21 The time is 12:39 p.m.

22 BY MR. RAPHAEL:

23 Q. Alright. So we're in March of 2006 when
24 you said you had put in the two signs and affixed

1 them with this adhesive tape and lit up the
2 surround and powered up the machine. What
3 happened after that with regard to making the
4 machine finished?

5 A. We put a slip resistant pad -- the
6 answer to your -- to make the machine finished?

7 Q. To finish the ATM project in its
8 entirety.

9 A. We ended up -- I suggested to Mr.
10 Hubbard that there's these slip resistant pads
11 that raise up off the ground, so when there's a
12 little snow on the ground, if it melts then no
13 ones's standing in slush and it's slip resistant
14 and plus it's handicap for wheelchairs so no one
15 is slipping. So we put this type of pad in in
16 front of the machine and then in June when --
17 approximately June -- approximate when the
18 stainless steel finally showed up, the right size,
19 we then had to maneuver the machine in the
20 surround to let LaSalle Glass slip their stainless
21 steel in, and then we finished the final cement
22 work around the slip resistant pad.

23 Q. Okay. When -- When did that happen?

24 A. It's probably June.

1 A. No.

2 Q. What would that have been?

3 A. Actually, in this picture it shows up
4 very clear where it says ATM.

5 Q. Oh, I see. It's the ATM above the --

6 A. Correct.

7 Q. It is the ATM sign above the revolving
8 door.

9 A. It's -- Yeah, attached to the bottom of
10 the canopy, the bottom side of the canopy.

11 Q. Okay. It's not next to the actual
12 machine itself.

13 A. No. It's facing southbound.

14 Q. Okay. So invoice 112 refers to that.
15 Correct?

16 A. Yes.

17 Q. Invoice 06-284 relates to LaSalle Glass
18 coming in in June and finishing the installation
19 of the surround for the ATM.

20 A. No. They put the substrate where the
21 surround butts up to.

22 Q. What work does invoice 06-284 refer to
23 in terms of when was this work done?

24 A. Like between March and June.

1 Q. Invoice 06-178, does that have anything
2 to do with the ATM at all?

3 A. This is part of the base contract. We
4 just upgraded it from -- He wanted to get some
5 nice cherry panel doors.

6 Q. Is that yes or no?

7 A. It has nothing to do with your ATM
8 surround.

9 Q. Okay. That's what I was asking.
10 Invoice 06-290, it says furnished and installed
11 vandal resistant mirrored camera window on front
12 panel of ATM surround. You see that?

13 A. Well, say that again. Which one was
14 that? Oh, yeah, vandal resistant -- Yeah,
15 mirrored camera window.

16 Q. So you installed that.

17 A. Yes.

18 Q. When was this done?

19 A. Probably June of 2006.

20 Q. Well, could it have been done after June
21 of 2006?

22 A. No. It was done prior to July, you
23 know, completion.

24 Q. Where did this camera come from?

1 A. It wasn't a camera. It was a glass.

2 Q. Where did this glass come from?

3 A. I don't recall the supplier.

4 Q. Well, do you think you got it from the
5 same supplier that --

6 A. No.

7 Q. What was I going to ask?

8 A. From the same supplier as the surround.

9 MR. BELONGIA: Don't badger the witness.
10 Just ask the question, please.

11 BY MR. RAPHAEL:

12 Q. Well, actually I was going to ask --

13 A. I would imagine.

14 Q. -- did it come from the same -- same
15 supplier as supplied the ATM itself?

16 A. No.

17 Q. Do you know where the ATM itself was
18 supplied from?

19 A. I recall some tag, but I don't know the
20 actual supplier's name. No.

21 Q. If I said Diebold, would that refresh
22 your recollection?

23 A. Yeah. It said Diebold 5th/3rd Bank on
24 it.

1 Q. Okay. Do you know if the vandal
2 resistant mirrored camera window came from that
3 same supplier?

4 A. I'm almost sure it didn't.

5 Q. Okay. Where did it come from then?

6 A. Some other -- Some other supply source.
7 I'm almost sure it wasn't Diebold, but I'm not
8 saying that Diebold may carry it. I don't know,
9 but based on my recollection, I don't remember
10 talking to Diebold about it.

11 Q. Okay. Did you pay this invoice?

12 A. The best of my recollection that I -- I
13 paid it.

14 Q. Okay. And then you invoiced the bank --

15 A. Yes.

16 Q. -- to be reimbursed?

17 A. Yes.

18 Q. Okay. You have to really try very hard
19 to not speak until I'm actually done with the
20 sentence. Okay? So invoice 06-290 is you seeking
21 reimbursement for an invoice that you paid for the
22 ATM camera window.

23 A. Yes.

24 Q. And did you pay the invoice for the ATM

1 camera window out of your bank account for Alligas
2 Enterprises, Inc.?

3 A. The best that I recall.

4 Q. Why did you wait from June of 2006 to
5 December of -- December 26 of 2006 to invoice the
6 bank for something you had paid out?

7 A. Regarding low overhead, I just sat down
8 and gathered some invoices and that month is when
9 I got around to billing for the -- for that part
10 of the project.

11 Q. Well, according to these invoices for
12 the work you said was done in June of 2006, you
13 were owed approximately \$5,000. Right?

14 A. If that's what it adds up to.

15 Q. Well, if you think it's some different
16 amount, please check.

17 A. I mean -- If that's what it adds up to,
18 that's -- that's what they owed.

19 Q. Well, let's look. Invoice 07-112,
20 invoice 06-284, and invoice 06-290. Are those --
21 All those invoices were for work that was done in
22 June of 2006. Correct?

23 A. Yes.

24 Q. Okay. And you waited until six months

1 later to invoice for those?

2 MR. BELONGIA: Asked and answered.

3 THE WITNESS: Yes.

4 BY MR. RAPHAEL:

5 Q. Why were you sitting on \$5,000 worth of
6 invoices for that time period?

7 MR. BELONGIA: Asked and answered.

8 THE WITNESS: The -- The relationship
9 that I had with Mr. Hubbard is monthly. I billed
10 him a certain percentage of invoices and that part
11 of the project came in at that time of the year.

12 BY MR. RAPHAEL:

13 Q. How much had you previously billed Mr.
14 Hubbard or the bank for work previously done?

15 A. I don't recall.

16 Q. Is it fair to say that you've billed
17 them more than a half-a-million dollars for the
18 work done on the bank?

19 A. It's probably fair to say.

20 Q. And you've billed that half-a-million
21 dollars over the time frame between October of
22 2005 through to December of 2006?

23 MR. BELONGIA: Object to relevance.

24 THE WITNESS: You object?

1 MR. BELONGIA: Answer if you can.

2 THE WITNESS: Oh. Yes.

3 BY MR. RAPHAEL:

4 Q. You were clear that if they object that
5 you still answer the question. Right?

6 A. Yes.

7 Q. Okay.

8 A. But thanks for clarifying.

9 Q. Have you been fully paid for all the
10 work done under your May 4, 2005, proposal here?

11 A. Yes.

12 Q. Okay. When was the last time you
13 received payment from the bank?

14 A. About 30 days ago.

15 Q. How much was it?

16 A. I don't recall.

17 Q. Roughly.

18 A. Several thousand dollars.

19 Q. What's several thousand? One, two,
20 five, ten, twenty?

21 A. It may have been \$5,000.

22 Q. And what was that for?

23 A. Electrical work.

24 Q. Where's the invoice for that electrical

1 work?

2 A. That one I -- It was not part of this --
3 It was additional work.

4 Q. I didn't ask whether it was additional.
5 I asked where's the invoice for that work.

6 A. It may be -- I may -- Yeah, I may be
7 able to get a copy of that one. It's a newer
8 invoice.

9 Q. Okay. Well, were you unclear as to the
10 meaning of the request for documents saying all
11 documents relating to any contracts and/or work
12 orders between Diamond and you?

13 A. It wasn't clear of any additional work
14 beyond the finish of the entire project.

15 Q. What do you mean beyond the finish of
16 the entire project?

17 A. That was not clear that any additional
18 work beyond the completion of the whole scope of
19 the work with the ATM. You made it very clear
20 that everything that we're talking about is just
21 ATM, ATM, so --

22 Q. I made it clear that during this
23 deposition -- at a certain point in time during
24 this deposition I was going to focus in on the

1 ATM. That's not what I said to you -- I haven't
2 spoke to you prior to this with regard to the
3 document production provider, did I?

4 A. That's false. You called me on my cell
5 phone in the middle of a meeting and you said I
6 don't care if you're in the middle of a meeting,
7 if you don't come to the deposition you're going
8 to get the U.S. Marshals to escort me in, and I
9 will have to pay all the legal bills, and I stated
10 that I'm in the middle of a meeting, and you went
11 on again and stated that per rule so and so and so
12 and so you will be brought in and you will file
13 papers against me.

14 Q. Did, during that conversation, I ever
15 discuss limiting the documents you were supposed
16 to bring with for today?

17 A. You mentioned that -- The way I
18 understand all the documents regarding the project
19 with the ATM.

20 Q. You mean I said I'm limiting the
21 documents that were produced that were being
22 sought for in this subpoena? I told you it was
23 going to be limited?

24 A. You did not.

1 MR. LOWREY: I object to this entire
2 line of questions, unless you're going to offer
3 yourself as a witness at this trial. You're
4 harassing the client. If you want to talk to him
5 about the ATM situation and ask him more
6 questions, go ahead.

7 BY MR. RAPHAEL:

8 Q. I'm looking for the invoices that you
9 submitted to the bank for work done with the bank,
10 and --

11 A. And my --

12 MR. LOWREY: Excuse me. I'm objecting.
13 It's beyond the scope of relevancy or materiality.
14 The case is about an ATM machine with some notices
15 and signs on it. That's all you're entitled to
16 get.

17 MR. RAPHAEL: You can object.

18 MR. LOWREY: And I'm instructing him not
19 to answer anymore of these questions.

20 MR. RAPHAEL: You can do that, but it's
21 subject to him being recalled to testify about
22 these things.

23 MR. LOWREY: I will deal with the judge
24 under the rules. I practiced there for 40 years.

1 I know how things are done over there. I know
2 what the rules are and I know when you're out of
3 bounds. I'm instructing him not to answer this
4 line of questions.

5 BY MR. RAPHAEL:

6 Q. What was the electrical work that you
7 did on the bank that you invoiced them for
8 previously?

9 MR. BELONGIA: Objection. Relevancy.

10 MR. LOWREY: He's already answered.
11 It's beyond the scope of relevancy, materiality
12 and will not be -- that everything that we produce
13 we'll limit to this trial.

14 THE REPORTER: Pardon me, Mr. Lowrey,
15 would you mind clipping on your microphone,
16 please? Thank you very much.

17 MR. LOWREY: Did you get what you
18 needed?

19 MR. BELONGIA: I did. Yes, I did. It's
20 just not as vibrant.

21 MR. LOWREY: I'm always vibrant.

22 MR. RAPHAEL: Mr. Lowrey, with respect
23 to your having practiced for as long as you've
24 stated, Rule 30(d) with regard to depositions:

1 Any objection during the deposition must be stated
2 concisely and in a nonargumentative and
3 nonsuggestive manner. That's not the part I'm
4 referencing. A person may instruct a deponent not
5 to answer only when necessary to preserve a
6 privilege or to enforce a limitation directed by
7 the court or to present a motion under Rule
8 30(d(4)). So I would ask you to follow the Rule of
9 Civil Procedure and restrain yourself from
10 instructing the client not to answer unless it's
11 for one of those purposes. If you have some case
12 authority or some other rule upon which you're
13 basing your instruction for him not to answer, I'd
14 be interested in hearing it.

15 MR. LOWREY: Do you have another
16 question to ask?

17 MR. RAPHAEL: I want the question I did
18 ask answered.

19 MR. LOWREY: I stated my objection. I'm
20 standing by it.

21 MR. RAPHAEL: Okay. I'm going to
22 continue to ask these questions, and if you
23 continue to instruct your witness not to answer,
24 I'm going to tell you that I'm going to move to

1 have him brought back here to answer these
2 questions and any other questions that are related
3 to those questions.

4 MR. LOWREY: Do you have an additional
5 question? Please ask it.

6 MR. RAPHAEL: I do.

7 MR. LOWREY: Please ask it.

8 BY MR. RAPHAEL:

9 Q. Besides the electrical work that you say
10 you recently invoiced and were paid for by the
11 bank, what other work have you done in the last
12 six to eight months for the bank?

13 MR. BELONGIA: Objection to relevance.

14 MR. LOWREY: It's also asked and
15 answered.

16 BY MR. RAPHAEL:

17 Q. You were not instructed to not answer.
18 So please answer.

19 MR. LOWREY: I'm instructing him not to
20 answer it.

21 MR. RAPHAEL: Oh, you're instructing him
22 not to answer?

23 MR. LOWREY: Yes.

24 MR. RAPHAEL: Okay. Payments to your

1 client by the bank evidence bias, and it is a
2 certain -- it's certainly a relevant topic for me
3 to explore when he is testifying in a fashion
4 consistent with the bank's position, so are you
5 sure you want to maintain that objection and
6 instruction not to answer?

7 MR. LOWREY: Yes.

8 MR. RAPHAEL: Yes.

9 BY MR. RAPHAEL:

10 Q. Do you have an E-mail address?

11 A. Yes.

12 Q. What is it?

13 A. Larryligas@larryligas.com

14 Q. How long have you had that E-mail
15 address?

16 A. I don't recall.

17 Q. More than three years?

18 A. I don't -- I don't -- I don't recall.

19 Q. Well, larryligas.com, that's a URL that
20 you own?

21 A. Yes.

22 Q. Okay. And when did you register that
23 domain name?

24 A. I don't recall.

1 Q. Have you had E-mail at that domain name
2 the entire time that you've registered it?

3 MR. BELONGIA: Objection to relevance.

4 THE WITNESS: I don't recall.

5 BY MR. RAPHAEL:

6 Q. Well, when did you get E-mail at
7 Larryligas.com?

8 MR. BELONGIA: Continuing objection.

9 MR. LOWREY: I object to this line of
10 questions. If you want to limit your questions to
11 something that's relevant and material based upon
12 the second amended complaint, ask the questions.
13 Otherwise, it's over.

14 MR. RAPHAEL: Are you instructing the
15 witness not to answer this question as well?

16 MR. LOWREY: Yes.

17 MR. RAPHAEL: Are you instructing the
18 witness not to answer any questions with regard to
19 his E-mail addresses?

20 MR. LOWREY: You ask the questions and
21 I'll make the objections.

22 MR. RAPHAEL: Okay.

23 BY MR. RAPHAEL:

24 Q. Did you have E-mail correspondence with

1 anyone from the bank through
2 Larryligas@larryligas.com?

3 MR. LOWREY: I'll instruct him to not
4 answer. It's been asked and answered. You asked
5 about E-mails and he answered the questions at the
6 beginning of the deposition.

7 BY MR. RAPHAEL:

8 Q. Do you have any E-mail that -- I'm
9 sorry, did you E-mail anyone at the bank through
10 the use of larryligas@larryligas.com?

11 MR. LOWREY: Asked and answered. I'll
12 instruct him not to answer it.

13 MR. BELONGIA: Objection. Relevance.

14 BY MR. RAPHAEL:

15 Q. Did you have anymore E-mail
16 correspondence with the bank at all?

17 MR. LOWREY: Asked and answered.
18 Instruct him not to answer it.

19 MR. RAPHAEL: I'm going to have to tell
20 you again you're not entitled to instruct him not
21 to answer and the first question that I asked him
22 at the beginning of the deposition is did he have
23 any of those E-mails present with him here today
24 as were requested in the document production

1 rider. I did not ask him whether he had any
2 correspondence with the bank prior to the question
3 you just instructed him not to answer. Are you
4 going to maintain your instruction not to answer?

5 MR. LOWREY: Yes.

6 BY MR. RAPHAEL:

7 Q. Are you going to follow your lawyer's
8 instructions?

9 MR. LOWREY: Yes, he is.

10 MR. RAPHAEL: I'm asking the witness.

11 BY MR. RAPHAEL:

12 Q. Are you going to follow your lawyer's
13 instructions?

14 A. Yes.

15 MR. BELONGIA: I think it's an improper
16 question.

17 MR. RAPHAEL: No, it's actually not an
18 improper question. It's --

19 MR. BELONGIA: I don't need a lecture.
20 Just move on.

21 MR. RAPHAEL: -- setting up the motion
22 here.

23 BY MR. RAPHAEL:

24 Q. How did you send invoices to the bank?

1 A. As I did with all of them, messengered
2 them by myself.

3 Q. Besides the bank president, who else did
4 you have contact with over at the bank?

5 A. No one else.

6 Q. Let's show you what I'll mark as Exhibit
7 F. Here's Exhibit E so you can reference it.

8 MR. BELONGIA: Do you have other copies
9 for counsel or I just got to peer over?

10 MR. RAPHAEL: I'll supply copies.

11 BY MR. RAPHAEL:

12 Q. Okay. On that picture -- Well, first
13 off, do you recognize what is in that picture?

14 A. Yes.

15 Q. What?

16 A. Well, we've been talking about the
17 stainless steel substrate, the fiberglass
18 surround, the stainless steel columns.

19 Q. Okay. Let me see the picture for a
20 second. Before I ask you these questions I'll
21 make a couple of copies for the lawyer who just
22 requested it.

23 THE REPORTER: You want to go off the
24 record for a moment?

1 MR. RAPHAEL: Stay on the record.

2 THE WITNESS: And I just -- You know, we
3 dress up for respect, and we got the attorney
4 that's representing the lawsuit that can't dress
5 for respect. I wish the jury were to see this
6 guy's actions and the way he dresses.

7 BY MR. RAPHAEL:

8 Q. Alright. Describe for me in this
9 drawing or, I'm sorry, in this picture, which part
10 is the fiberglass portion of the surround?

11 A. You see on the side where it says ATM
12 where it protrudes out?

13 Q. Mm-hmm.

14 A. That's part of the fiberglass surround.

15 Q. Mm-hmm.

16 A. Going all the way down the straight
17 line -

18 Q. Mm-hmm.

19 A. -- that's all the fiberglass surround
20 protruding away from the stainless steel
21 substrate. It's protruding out about 10 inches.

22 Q. Okay. And what about the face of the
23 ATM?

24 A. The face of the ATM --

1 Q. This part here. This grayish part right
2 here.

3 A. That is -- That is part of the whole
4 fiberglass surround. That's the internal --

5 Q. Okay.

6 A. -- indented portion.

7 Q. Alright. So if we can hold that up for
8 the camera and point to the fiberglass surround in
9 the picture, that way we will have it preserved.
10 Hang on. Just wait a second. He's got to get it
11 close up. Hold that still. Alright. Point with
12 your pinky to the fiberglass surround. You got to
13 have your fingers like this. That's even better.
14 Alright. Alright. And the face of the ATM, what
15 part is the fiberglass surround? The bottom there
16 and the top there. That whole part.

17 A. This whole part here.

18 Q. Alright. And that was all installed by
19 you personally.

20 A. Yes.

21 Q. Okay. And where on the face of that
22 fiberglass surround did you place these two signs?

23 A. Right there and right there.

24 Q. Right where?

1 A. Right here.

2 Q. Okay.

3 A. And I think right there.

4 Q. You mean on -- on the machine face
5 itself.

6 A. That's -- That's the -- That's the
7 machine. Yes.

8 Q. So you didn't place it on the fiberglass
9 surround --

10 A. No.

11 Q. -- but on the machine itself.

12 A. That's part of the machine.

13 Q. Okay. And that's where you placed it.
14 It was on the steel portion of the machine.

15 A. Yes.

16 Q. Okay. So you're taking back your
17 testimony of having put it on the --

18 A. So it was the steel part.

19 Q. Let me finish the question.

20 A. Yes.

21 Q. You're taking back your testimony that
22 you previously made, which was that you put it on
23 the fiberglass.

24 A. On the fiberglass. Yes.

1 Q. Excuse me. Please let me finish the
2 question. Are we clear about that I have to
3 finish the question before you answer? So you are
4 taking back your prior testimony that where you
5 swore that the signage that you placed on this
6 machine was placed on the fiberglass portion of
7 the ATM and you are now saying that it was placed
8 upon the steel portion of the ATM machine itself.
9 Is that correct?

10 A. This picture, it refreshes my memory
11 from a year and-a-half ago that it was this
12 portion, not the fiberglass.

13 Q. So the ATM signage that you're saying
14 you placed on this machine was placed on the
15 actual steel structure and not the fiberglass
16 surround structure. Is that correct?

17 A. And that's if you're saying that this is
18 not fiberglass.

19 Q. Well, is the machine made out of
20 fiberglass, the actual machine itself, or is it a
21 -- is it a steel machine?

22 A. The actual -- There are parts of it that
23 is made out of plastic fiberglass.

24 Q. Maybe it'll help if I give you an even

1 better closeup. You are -- First off, looking on
2 that picture, Exhibit F, you are pointing to
3 the -- to where exactly did you place the -- the
4 signage?

5 A. Originally we were going -- We were
6 going to put it down here.

7 Q. Whoa, whoa, whoa, whoa. Put the -- Put
8 the -- Put the picture so that the camera can see
9 it and point to where -- I don't care where you
10 were originally going to do it. I want to know
11 where you actually placed it.

12 A. Yes.

13 Q. Point to it, please.

14 A. Right -- Right in this area here.

15 Q. On that lower shelf area.

16 A. Yes.

17 Q. Okay. Let me make a blow up picture of
18 another picture.

19 A. I'm pretty sure that area is --

20 Q. Let's mark this as exhibit whatever is
21 the next one. Okay. So put that picture up so
22 that the video camera can see it and point to
23 where you placed the signage on that picture.

24 A. We originally were going to place it

1 down here, in this area here, but Mr. Hubbard
2 thought it would be out of view for the users, so
3 we ended up putting it up here.

4 Q. On the metal portion of the ATM machine
5 itself.

6 A. Correct.

7 Q. That portion that you --

8 A. And the two-sided tape is for metal,
9 fiberglass.

10 Q. So that portion that you've pointed to
11 as to where the two signs were located is actually
12 made out of metal. Am I correct? The thing where
13 you just pointed? You pointed to where you put
14 the signs. That piece there --

15 A. That is some -- some type of metal.

16 Q. That's metal. It's not fiberglass.
17 Right?

18 MR. BELONGIA: Asked and answered
19 BY MR. RAPHAEL:

20 Q. I want to be clear. That part that you
21 just pointed to, that part is metal, not
22 fiberglass. Correct?

23 MR. BELONGIA: Asked and answered.

24 THE WITNESS: It is some type of metal,

1 but the original location down here was not in
2 view.

3 MR. LOWREY: Larry, please, please.
4 There's no question pending.

5 BY MR. RAPHAEL:

6 Q. Do you know what those signs actually
7 said?

8 A. I remember, not -- not word for word,
9 you know, sentence for sentence, but one was that
10 you are going to get some type of charge and the
11 other was that your deposit may not show up or
12 something on that idea.

13 Q. Okay. Did it mention the name Diamond
14 Bank on it?

15 A. I don't recall.

16 Q. Do you know if it mentioned any other
17 bank's name on it?

18 A. I don't recall.

19 Q. Well, do you know -- You know how
20 Diamond Bank has that nifty logo there, that DB
21 there, did it have Diamond Bank's logo on it?

22 A. No, not that I recall.

23 Q. And was there any other sign --

24 A. But it may have had Diamond Bank on it.

1 Q. You think it had Diamond Bank on it?

2 A. It may have had Diamond Bank on it.

3 Q. Is that what you recall?

4 A. That's may what I recall, but I don't
5 remember specifically what it said.

6 Q. Do you know if it said a dollar amount
7 as to the charge that was going to be charged?

8 A. There was a dollar amount.

9 Q. Do you know what the dollar amount said?

10 A. I do not recall.

11 Q. Okay. So it actually had a physical
12 dollar amount that was going to be charged.

13 A. Yes.

14 Q. Like one dollar or two dollars.

15 A. I don't recall.

16 Q. Let me ask you about the signs that you
17 originally took off from the machine located on
18 the inside of the bank. When you scraped the
19 signs off the original machine, what was left on
20 the machine when you scraped it off?

21 A. There was a little of the glue and we
22 needed to sand the back of this board, the plaque,
23 whatever you want to call it. We had to sand it
24 before we adhered it to the machine.

1 Q. Okay. So some of the adhesive was stuck
2 to the back of the board as well as --

3 A. Yes.

4 Q. -- to the machine? Yes?

5 A. Yes.

6 Q. Is that your experience as to what
7 would've happened if you had tried to yank the --
8 or pry or scrape the sign off of the machine that
9 you put on -- on that --

10 A. It cleans up much easier.

11 MR. BELONGIA: And I'm going to object.
12 You're asking glue versus tape. I mean it's
13 totally irrelevant.

14 BY MR. RAPHAEL:

15 Q. Which cleans up much easier?

16 A. The tape.

17 Q. Okay. So the tape would not adhere to
18 the machine if you were able to pry the notice
19 off?

20 MR. BELONGIA: Objection to foundation.
21 Form. Knowledge as to ever having pried off a
22 sign with tape on it.

23 BY MR. RAPHAEL:

24 Q. Have you used this glazer's tape before?

1 A. Once or twice personally.

2 Q. Have you ever had to take anything off
3 that you've affixed with the glazer's tape?

4 A. No.

5 Q. Okay. So you have no idea whether it
6 would have a residue or leave anything on the
7 surface of the material that you tried --

8 A. Well, this here, this tape has a
9 30-minute working time. So within 30 minutes if
10 you take it off, it'll come off as easy as it was
11 applied. There's a 30-minute window.

12 Q. Mm-hmm.

13 A. So I keep looking at this. I remember
14 clearer now when you sit here looking at this
15 picture when I asked Matt that we originally --
16 When I said we're putting this on, he originally
17 put it at the bottom of the -- of the black frame
18 of the ATM. That's where it looked very nice
19 proportionally. It was down here.

20 Q. Please point on the bigger photo so that
21 the --

22 A. Proportionally --

23 Q. Your hand is in front of the picture.
24 You got to use something or use your finger.

1 A. Proportionally, it looked, you know,
2 very artistically right here and right here.

3 Q. So that's where you originally placed
4 the --

5 A. Originally did. And then --

6 Q. Hang on. You got to let me finish the
7 question.

8 MR. BELONGIA: You got to let him finish
9 the answer.

10 MR. LOWREY: Let him finish his answer,
11 please.

12 BY MR. RAPHAEL:

13 Q. Oh, finish your answer.

14 A. And then Mr. Hubbard, for customer view,
15 he wanted it up here, even though aesthetically it
16 was not, you know, pleasing. So that's where we
17 were able to just take it off and then we adhered
18 it over here.

19 Q. Okay. So originally you had adhered the
20 sign to the fiberglass.

21 A. Yes.

22 Q. Okay. And you did that on what day?

23 A. On the date in 2006, the March date.

24 Q. You had done this on -- in March.

1 A. Yes.

2 Q. Okay. And --

3 A. It was a -- It was a fairly day of like,
4 it was above -- It was like 50 degrees, 55, 60.

5 Q. It was 55 to 60 degrees in March of
6 2006. Right?

7 A. It was a warmer day. It wasn't a cold
8 day.

9 Q. Uh-huh.

10 A. So I don't know what exact temperature
11 it was, but it was not near freezing. It was a
12 respectable day.

13 Q. Okay.

14 A. It may have been 40. I don't know, but
15 it was not near freezing, I remember.

16 Q. Well, what's freezing?

17 A. Thirty-two.

18 Q. So 40 is not near freezing?

19 MR. BELONGIA: Is that a question?

20 BY MR. RAPHAEL:

21 Q. In your mind 40 is not near -- not near
22 freezing?

23 A. Forty is not near freezing. It may have
24 been, you know, 40.

1 Q. Okay. Okay.

2 A. Because there's --

3 MR. LOWREY: Please.

4 BY MR. RAPHAEL:

5 Q. Because there's a what? Please finish
6 what you were going to say.

7 A. Because there's a concern that if
8 it's -- if the fiberglass is very cold, the tape
9 may not adhere correctly.

10 Q. Okay. And you adhered the sign to the
11 fiberglass and then what happened?

12 A. Mr. Hubbard wanted it more closer to the
13 machine itself so people see it.

14 Q. So he came out when?

15 A. Within minutes of us putting the sign
16 on.

17 Q. Okay. So after you put the sign on, Mr.
18 Hubbard walked out the door, within minutes of you
19 putting it on --

20 A. He was hovering.

21 Q. He was hovering over you.

22 A. Please. I didn't say he was hovering
23 over. He was hovering around.

24 Q. Okay. He was hovering, and then what

1 did you do?

2 A. We took his advice and put it up onto
3 the -- to that angle ledge.

4 Q. Okay. And did you do it straight away,
5 or did you do anything in anticipation of it?

6 A. Mr. Hubbard is the president, and he
7 thought it would be better up there.

8 Q. Okay. So how did you take it off of the
9 fiberglass?

10 A. It came off very easy.

11 Q. So with his hand. Did you do it or did
12 your friend do it?

13 A. No, Matt.

14 Q. Matt did it. Okay. You were watching,
15 though.

16 A. Yes.

17 Q. Okay. And he took it off with his hand.

18 A. Yes.

19 Q. And then what did he do exactly?

20 A. He put new strips on and then reapplied
21 it onto the ledge.

22 Q. Okay. So he took it off, pulled off the
23 strips on the back --

24 A. Yes.

1 Q. -- with his hand.

2 A. Yes.

3 Q. And then put on new strips --

4 A. Yes.

5 Q. -- and then just put it right on to the
6 metal part that you pointed to?

7 A. Yes.

8 Q. Nothing else?

9 A. Nothing else.

10 Q. Okay. And this was all done in plain
11 sight of Mr. Hubbard?

12 A. I'm not sure of in plain sight, but he
13 was somewhere around.

14 Q. Well, he was out when he said take it
15 off of there and put it onto --

16 A. Yes.

17 Q. -- the new location.

18 A. Yes. That he may have walked in for a
19 few minutes or something and came out. Like I
20 said, the best of my recollection it was a little
21 warmer day than a normal March day.

22 Q. But it was definitely in March.

23 MR. BELONGIA: Asked and answered.

24 BY MR. RAPHAEL:

1 Q. Right?

2 A. Yeah, it was -- It was definitely some
3 time in March.

4 Q. And after that 30-minute setting time,
5 is it possible to pull off the sign with your bare
6 hand?

7 MR. BELONGIA: Asked and answered. We
8 went through this already several times.

9 BY MR. RAPHAEL:

10 Q. Well, we didn't hear about the 30-minute
11 setting time before, so please answer.

12 A. The best that I -- I understand the
13 product, after 30 minutes it should be -- it
14 should be adhered to the point that it's
15 structurally sound.

16 Q. Okay. Did you wait around for 30
17 minutes?

18 A. Yes.

19 Q. Okay.

20 A. We were there for -- for several hours.

21 Q. Okay. And did you see it within that
22 30-minute time period after the 30-minute time
23 period had expired?

24 A. Yes.

1 Q. Did you ever try to take the sign off
2 after adhering it this second time to the metal
3 portion of the ATM?

4 A. No.

5 Q. So you never tested to see whether it
6 was firmly affixed or not?

7 A. No.

8 Q. So you don't know if it --

9 A. After the 30 minutes, we removed the
10 blue tape and it was solid.

11 Q. What blue tape are you talking about
12 now?

13 A. We put temporarily -- temporary tape on
14 it. Actually that type of tape that's holding the
15 prints, just to hold the product secure.

16 Q. What type of tape are you referring to?

17 A. The tape that's on the blueprints.

18 Q. You show me the -- The blue tape you're
19 referring to, is that the type of tape you use to
20 mask for painting?

21 A. Yes.

22 Q. Okay. So painter's tape.

23 A. Yes, if you want to call it that.

24 Q. Okay. So you used painter's tape to